

In indicating that it had no objection to relief under the particular circumstances of this case, the Air Force in its report to the House Judiciary Committee stated:

"There are no administrative procedures under which the Air Force could relieve Mr. Stanford of his liability to refund the \$3,044.16 LQA overpayment. At the time of his separation on October 31, 1969, his lump sum leave payment of \$1,122.54 for 318 hours of annual leave was withheld as partial repayment. On February 17, 1970, Mr. Stanford was advised by the Air Force Accounting and Finance Office, Ramstein, Germany, that deducting this lump sum annual leave payment amount of \$1,122.54 from the overpayment, leaves a balance due the United States of \$1,921.62. No further collection action was taken. Mr. Stanford received the LQA payment of \$3,044.16 in good faith and in reliance upon determinations made by responsible officials.

"Based upon the above, the Department of the Air Force interposes no objection to the enactment of H.R. 16965."

The committee is in agreement with the conclusions arrived at by the House Judiciary Committee and accordingly recommends favorable consideration of H.R. 16965 without amendment.

#### JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN POW'S HELD CAPTIVE BY NORTH VIETNAM

The Senate proceeded to consider the resolution (S. Res. 486) relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam, which had been reported from the Committee on the Judiciary with an amendment:

Beginning on page 3, line 1, after the word "Resolved" strike all through line 17, and on page 4, line 1, strike the words "rescue mission,"; and insert in lieu thereof the following:

That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force rescue mission.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 81-1493), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The sole purpose of the resolution is to commend the courage of the officers and men who carried out the hazardous mission of the special joint Army-Air Force task force to Son Tay, North Vietnam, on November 21, 1970.

Senate Resolution 486, the subject of this report, was introduced November 25 by Senator Dole for himself and 34 cosponsors. It was ordered to lie over under the rule, and

on November 30 it was ordered to be placed on the calendar. On December 8, the resolution was referred to the Committee on Foreign Relations with instruction to report within 10 days.

On December 14 and 15, the committee received the written comments of the Departments of State and Defense, respectively, endorsing the resolution. Under the instructions of the Senate, the committee considered the resolution in executive session on December 14 and 17. On the latter date, the resolution was ordered reported with an amendment in the nature of a substitute.

The resolution, with its preamble, reads as follows:

Whereas conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; and

Whereas increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners of war and offend standards of human decency, some having so remained for as long as six years; and

Whereas the Government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders: Now, therefore, be it

Resolved, That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force rescue mission.

Mr. DOLE subsequently said: Mr. President, earlier today the Senate adopted Senate Resolution 486. On November 25, I submitted that resolution, which was ultimately sponsored by 40 Senators, and asked unanimous consent that it be given immediate consideration in order to demonstrate the Senate's gratitude and respect for the courage demonstrated by the Army and Air Force personnel who carried out the Son Tay prisoner rescue attempt.

It was hoped the Senate would act on the resolution with the same dispatch as the House did in order that the expression of gratitude by both Houses of Congress could be available at the time special ceremonies were held honoring the men involved in the rescue mission. However, the resolution was referred to the Committee on Foreign Relations.

On December 7, the House of Representatives passed a similar resolution—the text of which was read by the resolution's sponsors at the awards ceremony on December 9. While the sentiments of the U.S. Senate could not be represented at the ceremony, today's action affirms not only the Senate's recognition of the courage demonstrated by the men who took part in the hazardous mission to

rescue American prisoners of war from the Son Tay Prison but it also must be interpreted as a strong indication to North Vietnam that we condemn the continued inhumane treatment of American prisoners of war held by North Vietnam and the National Liberation Front. Their refusal to comply with even the minimal standards of human decency is not acceptable to Americans, whatever their personal opinion of the Vietnam war. Passage of this resolution during the Christmas season cannot be a substitute for the return of those American prisoners to their families and loved ones, but it is appropriate that these families know the American people care and join them in their prayers for the safe return of their men.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair now recognizes the distinguished Senator from Florida (Mr. GURNEY) for not to exceed 1 hour.

#### TRIBUTES TO THE HONORABLE SPESSARD L. HOLLAND, THE SENIOR SENATOR FROM FLORIDA

Mr. GURNEY. Mr. President, we are here today to honor my most distinguished colleague, the senior Senator from Florida, SPESSARD HOLLAND, who is retiring after almost 25 years of service in this great legislative body. In preface I wish to make some general remarks. These are troublesome times and with American involvement in the war in Vietnam, racial strife, rising crime, and other problems there has been in recent years much public soul searching and introspection about the American commonwealth. It has been suggested in some quarters that the American spirit has been marred, even that the national psyche has been mortally wounded. There is much hand wringing and pessimism about our future; many recriminations about our recent past.

Mr. President, I do not, and I cannot share this pessimistic mood. While I recognize the frailties and the fallibility of men, and while I think our mistakes and wrong turnings must always be exposed and corrected, I have ultimate confidence in basic goodness of the American system and the durability of the American spirit.

I think one of the roots of my optimism has been my experience here in the Senate in the last 2 years. And my confidence is justified, I think, because of the caliber and the dedication I have found in the Members of this august Chamber. We are today honoring one of the most distinguished Members as his retirement approaches—the distinguished senior Senator from Florida, the Honorable SPESSARD L. HOLLAND. I suggest that the fact our country has produced a man like SPESSARD HOLLAND is cause for optimism; I suggest that the presence of SPESSARD HOLLAND in public life shows the basic good sense of our people, and I suggest that his entire career is a monument to the best elements in our national life.

Senator HOLLAND's career and presence

in public life justifies our faith in democracy and reinforces my belief in the essential virtue and goodness of our Republic.

Senator HOLLAND was born in Bartow, Fla., on July 10, 1892. He was the son of Benjamin Franklin Holland, a native of Georgia and a confederate veteran who came to Florida in 1881, and Fannie Virginia Spessard Holland, who had been born in Virginia.

He was graduated from Summerlin Institute, which is now the Bartow High School, in 1909, and in 1912 he received his bachelor's degree, magna cum laude, from Emory College in Atlanta. Senator HOLLAND graduated from the University of Florida Law School in 1916.

In college, he earned membership in the Phi Beta Kappa Society and qualified for a Rhodes scholarship, which he was unable to accept because of the outbreak of World War I.

He was, of course, an outstanding college athlete who played varsity football, baseball, and basketball in college—when he was not busy as a member of the track team. He was, in fact, offered a contract in 1916 by Connie Mack to play professional baseball with the Philadelphia Athletics. If he had chosen to go that route, he would doubtless be in the Hall of Fame at Cooperstown. But World War I intervened.

In 1917, he entered in the service of his country. Commissioned a second lieutenant in the coast artillery, he went to France in 1917 and transferred to the Army Air Corps and saw action at the Meuse Argonne, Champaign, St. Mihiel, and Luneville in 1918. He is credited with officially downing a German aircraft and he lost his own plane in combat. In 1918, he was awarded the Distinguished Service Cross with the citation noting "extraordinary heroism in connection with military operations against an armed enemy." At the end of the hostilities, he was a captain.

In 1919, he returned home and made one of the wisest decisions of his life: He married Miss Mary Groover of Fort White, Fla. The Hollands have two sons and two daughters and 13 grandchildren. Both sons, who are now attorneys practicing in Florida, saw action in World War II.

After his war service, Senator HOLLAND practiced law briefly before accepting an appointment as prosecuting attorney for Polk County. In 1920, he was elected county judge.

In 1932, he was elected to the Florida State Senate where he served for 8 years. In that role, he sponsored various measured aims at reducing taxes, overhauling the Florida school code and improving the State's public educational system, increasing teacher salaries, and setting up retirement benefits. He also wrote and sponsored legislation to create the citrus commission, and legislation for old age assistance, workman's compensation, and unemployment insurance. He also sponsored the soil conservation districts act, the cooperative market act, and the fair trade act. He was a leader in the fight to abolish the State poll tax.

Senator HOLLAND was elected Governor of Florida in 1940 and served from January 1941 to January 1945, his term

roughly covering the World War II period.

He was appointed to the Senate to fill the unexpired term of the late Senator Charles Andrews in September 1946 and was elected to the U.S. Senate for the first time in November 1946. He was re-elected in 1952, 1958, and 1964.

During his almost 25 years in the U.S. Senate, Senator HOLLAND had missed only a tiny fraction of the thousands of record votes—and those for the most part occurred when he was excused from the Senate to be away from Washington on official business.

The Senator serves on three important standing committees: Agriculture and Forestry, Appropriations and Aeronautical and Space Sciences Committee.

There are simply too many legislative accomplishments we could speak of concerning Senator HOLLAND in my allotted time. But, I will mention a few areas only:

Senator HOLLAND fought the poll tax throughout his distinguished career. He first introduced a constitutional amendment to prohibit it in Federal elections in 1949 and reintroduced it in succeeding Congresses. In 1962, finally, it was approved by Congress and sent to the States. In 1964, it was ratified by the requisite number of States and became the 24th amendment to our Constitution.

The Tidelands Act which restored to the States the property rights in submerged coastal belts lying within the State's boundaries. Senator HOLLAND personally argued the constitutionality of the Tidelands Act before the Supreme Court in 1959.

Senator HOLLAND is, as we know, the father of our uniquely beautiful Everglades National Park. It was his foresight as Governor of Florida which preserved it; it was he who sponsored the Federal legislation which made it a national park and fixed its boundaries.

Senator HOLLAND took a leadership role in the central and southern Florida flood control project, and in many other rivers and harbors projects which have proven to be of enormous benefit both to Florida and to the Nation.

Senator HOLLAND played a large role in the Highway Act of 1956 which started our interstate highway program.

As my colleagues know, I could go on and on with a recitation of accomplishments, but our time is short and I know my colleagues wish to speak also.

But let me say this:

Mr. President, my prayer is that the Senate of the United States will, in the years ahead, be graced by the presence of other patriots and statesmen of the caliber of SPESSARD HOLLAND.

Senator HOLLAND's long and honorable service to the Nation and to the State of Florida can never be forgotten. For almost 25 years, he has given this Chamber the benefit of his wisdom, his experience, and his mature judgment. The Senate is infinitely richer because of his presence.

In many ways, the distinguished senior Senator from Florida is the embodiment of an ideal—the personification of the qualities which the American people hope to find in their own Senator: dignity, certainty, and courtesy, but also scrupulous

integrity; perception of the broad issues and at the same time attention to detail; diligence and the mastery of public issues—that is the product of long hours of preparation; independence and the willingness to speak his mind, regardless of which of our great political parties controls the White House; firmness of matters of principle and, at the same time, gentleness and respect for the honest opinions which are different from his own. There is not a Member of the Senate now who does not respect and esteem SPESSARD HOLLAND. And, Senator HOLLAND has earned that respect, by the example he has set and by the manner in which he has conducted himself.

We cannot hope to summarize in a few moments SPESSARD HOLLAND's record of service and accomplishments in the U.S. Senate, or as Governor of Florida before that.

We can, however, mention a few of the qualities which have distinguished the Senator during his long and honorable legislative career:

He is a man of honor and integrity.

He is a man of principle, whose word is his bond.

He is a scholar and man of wide learning and great understanding.

He is a patriot, and a man of great strength.

At the same time, he is gentle and compassionate.

First, last, and always, Senator HOLLAND is a gentleman.

And now, rich in honors, in friendships, in the esteem of his colleagues, Senator HOLLAND is leaving Washington.

Our State and our Nation are richer, sir, because you have chosen to serve them. We are now, and we always will be, in your debt.

Your colleagues thank you for your service to Florida and to our country; we wish for you, Senator HOLLAND, and for your wonderful lady, Mary, good health, and God's blessing for a wonderful retirement.

Mr. President, I ask unanimous consent to have printed in the RECORD certain newspaper editorials and articles.

Mr. GURNEY. Mr. President, I ask unanimous consent that the RECORD be kept open until the adjournment of this Congress for the inclusion of written statements by our colleagues who are not present at this moment and who may wish to file at a later day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I further ask unanimous consent that our tributes to Senator HOLLAND on this occasion be collected and suitably bound and inscribed for presentation to our beloved colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Orlando (Fla.) Sentinel, Nov. 14, 1969]

SENATOR SPESSARD HOLLAND HAS EARNED THE GRATITUDE OF EVERY FLORIDIAN

Whatever their party, Floridians have reason to be grateful to retiring U.S. Sen. Spessard L. Holland for his long, faithful and distinguished service to his state and the nation.

Son Tay

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NEW YORK TIMES

## LAIRD TO CONSULT ABRAMS ON TROOPS

To Visit Saigon Next Month  
—May Speed Withdrawal

By WILLIAM BEECHER

Special to The New York Times

WASHINGTON, Dec. 15—Secretary of Defense Melvin R. Laird announced today that he would visit South Vietnam early next month to confer with Gen. Creighton W. Abrams, the American field commander, on the prospect for troop reductions.

A well placed Pentagon official explained later that the principal purpose of the trip would be to determine whether United States withdrawals could safely be stepped up by some "thousands" over the first half of next year.

Under a plan announced by President Nixon last spring, the number of United States troops in Vietnam is scheduled to drop to 284,000 men by May 1. The current number is 343,700.

Pentagon sources said Mr. Laird wanted to discuss with General Abrams whether this withdrawal goal could be increased before making a recommendation to the President.

### Disclaims Policy Change

In a Pentagon news conference, Mr. Laird also makes these points:

¶ "There has been no basic change of policy" regarding the bombing of North Vietnam from that of the previous Administration.

¶ Plans have been completed, with details to be announced within a week, for the destruction of biological weapons. President Nixon said in November, 1969, the United States would never use germ weapons and pledged the destruction of our germ warfare stockpile at Pine Bluff, Ark. Sources report that agents stockpiled include tularemia, Q fever, anthrax and Venezuelan equine encephalitis. The stocks also reportedly include 45,000 bullets and darts containing botulinum toxin.

¶ The Pentagon consulted with the Central Intelligence agency on a continuing basis from last May on plans for the raid on the prisoner of war camp at Son Tay in North Vietnam and that agency did not suggest it had evidence there were no Americans at Son Tay.

Mr. Laird said that on Jan. 5, accompanied by Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, he planned to leave for Paris on the first leg of a trip that would take him to Thailand and South Vietnam.

In Paris, he said, he will talk with the American delegation to the Vietnam peace talks.

He said the purpose of the visit to Vietnam, his first since last March, would be to "assess the progress of the Vietnamization program; to assess the military situation in Southeast Asia; to assess the military assistance programs; and also to confer with General Abrams on what lies ahead as far as further troop reductions, and an on-the-ground assessment of the military situation in Southeast Asia."

Mr. Laird declined to speculate on the pace or extent of future withdrawals, but he said: "There is nothing developing militarily that would cause us not to meet or beat the May 1 troop announcement."

Pentagon sources said there were at least two ways in which larger withdrawals might be handled. This could be done either by establishing a higher goal for May 1, they say, or by announcing a new timetable to extend through June 30.

If the new timetable is selected, one ranking source said, the total withdrawal likely would be greater than simply continuing the force reductions at the previous average about 12,000 men a month.

Sources said that General Abrams would prefer to keep withdrawals low over the next few months of dry weather to see whether the North Vietnamese attempt a major offensive.

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Son Tay

## Laird Says Troops Stay Until POWs Are Free

Defense Secretary Melvin R. Laird, re-emphasizing the administration's concern over the future of prisoners of war held by North Vietnam, said today that "until the prisoners are released, there will be no total and combat operations in Vietnam forces in South Vietnam."

Laird told a Pentagon press conference: "We are going to maintain a U.S. presence until a satisfactory solution can be negotiated for the POW problem."

Administration officials have, in the past, referred to the probability of a residual level of troop strength in the area of 50,000-60,000 men after this country has concluded its active combat operations in Vietnam.

Touching on a variety of other issues, Laird told newsmen:

- He and Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, will leave Jan. 3 for a meeting with U.S. negotiators at the peace talks in Paris then proceed to Thailand and South Vietnam for additional discussions on the future of the war.

- The Defense Department will soon announce a new program for the disposal of biological and toxic weapons. "We will only retain a minimum defensive research program in the biological area," he said.

- Notwithstanding some reports to the contrary, Richard Helms, director of the Central Intelligence Agency, was fully informed and consulted on all developments leading up to last month's unsuccessful attempt to recover American prisoners of war at Son Tay in North Vietnam.

Laird said his forthcoming trip was designed to assess the Vietnamization program, the military situation and the military assistance program in South Vietnam. In addition, he said he planned to confer with

Gen. Creighton Abrams, commander of U.S. forces in Vietnam, on future troop reductions.

The secretary was questioned closely about reported discrepancies between accounts of the degree of consultation between the Pentagon and CIA during the planning and execution of the Son Tay raid.

"I drew on all elements of our intelligence community," Laird said. Seeking to end speculation that Helms had been informed in the early stages of the planning but not immediately prior to the raid, Laird said he and Helms sat together in the Defense secretary's Pentagon office and awaited first reports of developments as the rescue helicopters took off and as the raid was carried out.

Chairman J. William Fulbright of the Senate Foreign Relations Committee last week charged that Helms was not consulted about the Son Tay raid.

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tion (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out programs under the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

## AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding fiscal year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe."

Mr. PELL. Mr. President, I recommend that the Senate concur in the House Amendment to S. 3318. I do this with a great deal of reluctance, because some of the provisions in the House amendment are unclear. However, the pressure of adjournment is such that I do not want to risk killing the bill by requiring a conference. Therefore, I have had consultations with the Chairman of the House Committee on Education and Labor with respect to some of the more confusing aspects of the House amendment.

The point with which I have the most concern is the required contents of the various State plans, and the manner in which they will be approved. Chairman PERKINS agreed that the intent of the House is that each State will submit to the Commissioner a single document each year which will contain a basic State plan, a long-range program plan, and an annual program plan for each of the library programs in which it desires to participate, and that if each of those plans conforms with the requirements of the law, the Commissioner will approve the basic State plan for that State. This intent is borne out by paragraph 1 of section 6(c), which provides that the Commissioner shall not approve any basic State plan for any fiscal year unless he has made specific findings as to the compliance of the plan with the requirements of the act, and unless he is satisfied that adequate procedures will be included to insure that the requirements of the act will be carried out.

It is understood that the basic State plan will include all the procedures, criteria, and policies necessary to guarantee that each of the plans are in conformity with the law.

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 25 and 62 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 1, 8, 59, and 66 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Celler, Mr. Donohue, and Mr. McCulloch were appointed managers on the part of the House at the conference.

## ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I ask unanimous consent to yield to the Senator from Michigan (Mr. GRIFFIN) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ~~SON TAY~~ A PROPOSAL FOR UNILATERAL POW RELEASE

Mr. GRIFFIN. Mr. President, it was a month ago today that I conferred in Paris with North Vietnam's Delegate General to France, Mai Van Bo.

Among other proposals, I strongly urged that, before Christmas, his government should release the sick and wounded Americans who are held captive in North Vietnam. The Delegate General, with whom I talked for more than an hour, said he would pass my proposals on to the Hanoi Government.

It is more in sadness than surprise that I must now report, 10 days before Christmas, that there has been no response from the North Vietnamese concerning any of the proposals.

My efforts have been only part of a broad, determined crusade in this country, official and unofficial, to persuade the Communists to improve their treatment of prisoners in Southeast Asia, to provide a full accounting of missing men, and to bring about the release of all prisoners by both sides.

Mr. President, I believe the time has come for our side to take a giant step toward resolution of this distressing prisoner of war problem. I propose, on my

own initiative and responsibility as a Senator, concerned like most Americans for the fate of prisoners in the Southeast Asia war, that: Our side release unilaterally at least 1,500 able-bodied North Vietnamese Army prisoners of war in addition to all who may be sick and wounded.

Of course, I do not advocate forced repatriation. We should ask an impartial international body, like the International Red Cross, to interview the North Vietnamese and determine which men wish to return.

It would seem to make sense that prisoners held the longest should be released first. And I suggest that the prisoners be released well before Tet, the Vietnamese New Year, which comes at the end of January.

Such a dramatic, humanitarian initiative would create, worldwide, an expectation of response in kind by the Communist side.

In recent weeks, events have focused increasing attention on this anguishing prisoner problem. As part of his October 7 peace initiative, President Nixon proposed the immediate and unconditional release by both sides of all prisoners of war.

On November 21, freedom-loving people were heartened by the daring, though unsuccessful, rescue mission directed at the Son Tay prisoner of war camp in North Vietnam.

Last week the United Nations General Assembly adopted, by a large majority, a resolution calling for compliance by all parties with the Geneva Convention on prisoners of war. In particular, the resolution focused upon article 109 of the convention which requires immediate repatriation of all seriously sick or wounded prisoners, and which also recommends repatriation or internment in a neutral country of other prisoners of war who have been held in captivity for a long period of time.

Last Thursday in Paris, the United States and South Vietnam offered Hanoi the opportunity to exchange some 8,200 North Vietnamese held in South Vietnam for a far fewer number of United States, South Vietnamese, and other free world personnel. That offer was rebuffed.

At the Paris peace talks, our representatives have continually pressed for the release by both sides of the seriously sick and wounded prisoners, as clearly required by the convention.

But North Vietnam has cruelly rejected this and other proposals, revealing an almost incredible indifference to the fate of its own soldiers.

Notwithstanding North Vietnam's intransigence, the Government of South Vietnam, to its great credit, has proceeded with the unilateral repatriation of sick and wounded North Vietnamese prisoners who have indicated a desire to return to the North.

The most recent unilateral release was in July 1970, when the South Vietnamese Government returned 62 such sick and wounded prisoners and, in the process, voluntarily gave up three boats because North Vietnam refused to permit the International Red Cross or any other for-

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eign personnel to accompany the prisoners on their brief trip to shore.

Mr. President, the need to relieve the plight of prisoners of war becomes more urgent with each passing day. There were unofficial reports last month that a number of Americans have died in captivity in North Vietnam. Even without corroboration of such reports, it is painfully obvious, considering the conditions under which our men have been held for many years by the enemy, that some of them must be reaching the limits of human ability to survive.

Mr. President, despite the unpromising attitude thus far exhibited by the other side, I believe we must not be deterred from continuing and increasing our efforts to make progress on this issue. We should build on the momentum that has been achieved so far.

It is in that spirit that I propose today the unilateral release of 1,500 North Vietnamese prisoners in addition to all who may be sick and wounded.

Such a unilateral release by our side would be hailed and recognized throughout the world as a bold, humanitarian move. To be sure, such a step would involve some risk and sacrifice for the South Vietnamese.

It may be true that this proposal carries the risk that some North Vietnamese released might again rejoin the Communist forces. However, it should be noted that South Vietnam and the United States have already indicated a willingness to accept such a risk. Previous proposals for the exchange of prisoners would provide the same opportunity for returned North Vietnamese to take up arms again.

After weighing the risks and difficulties, I believe this imaginative proposal is worth very careful consideration by our administration and the Saigon government.

Such a bold, decisive step on our part should create a climate of worldwide expectation and demand that all prisoners of war be released.

As the President has said:

... war and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

An announcement by our side of the release of these North Vietnamese soldiers would dramatize our conviction, expressed by the President, that prisoners in this war have suffered too much.

Surely such a move would intensify the moral pressure to resolve this urgent humanitarian issue without further delay and without waiting for resolution of other political and military issues.

Mr. President, I hope that after careful consideration the decision in Washington and Saigon will be to move ahead with this unilateral step.

Then, more clearly than ever before, the next move will be up to the other side.

The United States, for its part, will have acted in its finest tradition, with "decent respect to the opinions of mankind."

Mr. GRAVEL. Mr. President, I yield now to the Senator from Rhode Island (Mr. PELL), without losing my right to the floor.

Mr. PELL. Mr. President, I would like to congratulate the Senator from Mich-

igan on his statement and the initiative he has shown on this whole question of prisoners of war together with the very real efforts he has made in this direction and the knowledge he has acquired.

I would hope that a suggestion of this sort, which is a unilateral action by this country, would help cut through some of the underbrush surrounding this whole problem. It is a very fine and commendable idea.

Mr. GRIFFIN. Mr. President, I want to thank the distinguished Senator from Rhode Island who, himself, has made great contributions, many of them unhealed and unnoticed, in this area. He has devoted a great deal of his time in an effort to make some progress on this matter. Also, in the United Nations, he has provided effective leadership, and I want to commend him for it.

Mr. PELL. I thank the distinguished Senator from Michigan for his kind comments.

Mr. GRAVEL. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the yielding to me by the Senator from Alaska (Mr. GRAVEL) will not count as a second speech against him when he resumes his discussion later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator from Alaska for yielding to me.

Mr. President, I want to compliment the distinguished assistant minority leader (Mr. GRIFFIN) on the excellent proposal he has presented today. It deserves the full consideration of the administration.

Such an act would accomplish several goals. First, it would force the question of humane treatment for prisoners more into the open, and make it a matter of world conscience. Second, it would publicize the ready compliance of the Geneva Convention by the allies, thus placing additional burdens on Hanoi. Third, it would show the continued resolve of the United States in seeking a solution to the prisoner-of-war problem; and, finally, it would be a humanitarian action which might alleviate part of the abasement all prisoners of war are forced to receive and suffer.

Many American POW's, for instance, have been missing or languishing in captivity for more than 5 years. Tortured both physically and mentally, deprived of adequate medical care, and weakened by malnutrition, our fellow countrymen are forced to exist under conditions too horrifying for many of us even to comprehend.

Mr. President, the treatment of our POW's by the enemy is intolerable and must be resoundingly condemned. Hanoi's actions are in gross violation of the 1949 Geneva Convention relative to the treatment of prisoners of war which North Vietnam acceded to in 1957.

It is evident that the North Vietnamese Government relies heavily on world support to gain its political objectives in Southeast Asia. Communist governments traditionally desire a good facade on their sanguinary activities. Thus, the United States should take such actions

as are needed to focus world attention on Hanoi's uncivilized inhumanity, and to counter any international political and economic support which might be remaining for the enemy.

To do this, I suggest that the United States commence to implement, unilaterally if necessary, the provisions of section I, part IV, of the 1949 Geneva Convention. This section imposes an absolute obligation on the detaining power to release prisoners of war who are seriously sick or wounded and who wish to return home as soon as they are fit to travel. Other sick and wounded prisoners, whose health would be benefited thereby, should be accommodated in neutral countries. The parties to the conflict are required, throughout the duration of the hostilities, to endeavor to make arrangements for such accommodation.

In addition, article 109 of the Geneva Convention provides that the parties may "conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity."

I suggest that the United States begin at once to negotiate agreements with interested neutral countries such as Sweden, Pakistan, or Switzerland, so that all prisoners of the war in Southeast Asia may be interned in a neutral country.

Further, I suggest that these prison camps be run in accordance with the practice established by the 1949 Geneva Convention and administered by a neutral international organization such as the United Nations or the International Committee of the Red Cross. The camps should be open to the press and interested nations for inspection, and, at the earliest time, the United States and South Vietnam should begin to transfer their prisoners.

On December 9, the United Nations General Assembly—by adopting a resolution urging full compliance of the Geneva Convention and article 109—directly rebuked North Vietnam for its illegal and barbaric treatment of POW's. The United Nations position speaks of a moral justice that supercedes political neutrality, and is to be commended.

Mr. President, I hope that we will again emphasize the great concern the people of the United States have for the welfare of American prisoners of war.

I ask unanimous consent that section I of part IV of the 1949 Geneva Convention and the text of the resolution adopted in the United Nations on war prisoners be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949

PART IV. TERMINATION OF CAPTIVITY  
Section I. Direct Repatriation and Accommodation in Neutral Countries

## Article 109

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit



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to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under first paragraph of this Article, may be repatriated his will during hostilities.

## Article 110

The following shall be repatriated direct:

- (1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.

- (2) Wounded and sick who according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

- (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

- (1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

- (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfill in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

- (1) Those whose state of health has deteriorated so as to fulfill the conditions laid down for direct repatriation;

- (2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

## Article 111

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

## Article 112

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the

Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

## Article 113

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in foregoing Article:

- (1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.

- (2) Wounded and sick proposed by their prisoners' representative.

- (3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

## Article 114

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

## Article 115

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

## Article 116

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

## Article 117

No repatriated person may be employed on active military service.

[From the New York Times, Dec. 2, 1970]

## TEXT OF RESOLUTION ADOPTED IN U.N. ON WAR PRISONERS

UNITED NATIONS, N.Y., December 1.—Following is the text of the United States-sponsored resolution on prisoners of war adopted today by the Social Committee of the General Assembly:

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations.

Noting Resolution adopted by the international conference of the Red Cross at

Istanbul calling upon all parties to the 1949 Geneva Convention relative to the treatment of prisoners of war to insure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

Considering that direct repatriation of seriously wounded and seriously sick prisoners of war and repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the United Nations Charter.

The General Assembly, Recalling that the preamble of the United Nations Charter affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes achievement of international co-operation in solving international problems of humanitarian character and promotion of respect for human rights,

Reiterating the obligation of states members for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the charter and in other relevant documents of the United Nations,

Noting the obligation of states members under the Charter of the United Nations to promote universal respect for, and observance of, human rights,

Recalling resolutions requesting the Secretary General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia, (1) steps which could be taken to secure the better applications of existing humanitarian international conventions and rules in armed conflicts; and (2) the need for additional humanitarian, international protection of civilians, prisoners and combatants in all armed conflicts,

1. Calls upon all parties to any armed conflict to comply with terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war so as to insure humane treatment of all persons entitled to the protection of the convention and, inter alia, to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization, such as the International Committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the convention;

3. Requests the Secretary General to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression;

4. Urges compliance with Article 109 of the convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. Urges that combatants in all armed conflicts not covered by Article 4 of the Geneva Convention of Aug. 12, 1949, relative to the treatment of prisoners of war, be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed

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conflicts and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

Mr. BYRD of West Virginia. Mr. President, I again compliment the able Senator from Michigan. I express my appreciation to the distinguished Senator from Alaska for yielding.

Mr. GRAVEL. Mr. President, I yield to the Senator from Michigan to respond to the Senator from West Virginia.

Mr. GRIFFIN. Mr. President, very briefly I want to thank the Senator from West Virginia for his remarks and for his contribution to this discussion. It is by no means the first indication of his interest in this subject. He has been an eloquent advocate of action and progress in this area for a long time.

Mr. President, of course, my statement was available to the administration a number of hours ago. The President has had copies of it. Earlier today, the Secretary of Defense at a press conference was asked this question:

Mr. Secretary, Senator Griffin has proposed release of a certain number of prisoners in South Vietnam, also the wounded and injured. Is this proposal under consideration and has any decision been made or can we expect one?

Defense Secretary Laird's response was:

I support the proposal of Senator Griffin. I believe that it has considerable merit. And certainly I will do what I can to encourage this proposal.

Mr. President, I ask unanimous consent that the complete text of the transcript of the news conference of Secretary Laird be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

NEWS CONFERENCE BY SECRETARY OF DEFENSE  
MELVIN R. LAIRD AT PENTAGON DECEMBER 15, 1970

Secretary LAIRD. Ladies and gentlemen, when I left for the Defense Planning Committee meeting in Brussels and for the NATO Council meeting I indicated that I would come down and report to you on those meetings.

I have a few brief comments to make and I will give you a two-page statement which I used in briefing the staff meeting at the Pentagon, which I thought might be of interest to you.

I believe that the NATO meeting in Brussels this month was perhaps the most important of the NATO meetings in many years. I have had an opportunity to be involved with the Alliance as a Member of Congress and now, for the past two years, as Secretary of Defense.

I particularly want to express my appreciation to Minister den Toom and Minister Schmidt for the work that they did in establishing the new NATO Improvement Program; also, the work that was done by the Secretary General who came up and encouraged the NATO Allies to make a new movement towards greater sharing of the military and financial burdens of the Alliance during the next five-year program.

I think that the actions that were taken express a new spirit as far as NATO is concerned. This is recognized in the heightened interest of the European allies, in the realities which we face here in the United States. The realities of the 1970's which press upon us are the manpower reality, the fiscal reality, the reality and political reality.

The decision which they made to go forward with this first step towards increased sharing of the burden as far as the Europeans are concerned, I think, was indeed most heartening. This is the first action in this direction to improve forces and to more adequately share the burden of the Alliance in the last 10 or 12 years.

I think that this movement in this direction is significant. It should be recognized as such and I know the Secretary of State shares with me, as well as the entire Administration, the importance of the movement which was initiated by the Europeans themselves. We have for a long time stressed in this Administration the importance of consultation and discussions. And I think that this type of consultation and discussion process which has been carried on during the last two years has been helpful to the Alliance and does make it possible for us to maintain, not only the strategic nuclear deterrent, which is so important as far as the Alliance is concerned, the tactical nuclear deterrent, which is important, but places an increased stress on the importance during the 1970's of the conventional deterrent as far as the Alliance is concerned.

I also wanted to announce today that the Chairman of the Joint Chiefs of Staff and I will be going to Southeast Asia early in January. We will leave here on the 5th of January for meetings in Paris with our negotiators, Ambassadors Bruce and Habib, and Lieutenant General Ewell. From Paris, we will go to Thailand and then into South Vietnam.

The purpose of this visit is to assess the progress of the Vietnamization program; to assess the military situation in Southeast Asia; to assess the military assistance programs; and also to confer with General Abrams on what lies ahead as far as further troop reductions and an on-the-ground assessment of the military situation in Southeast Asia.

The third announcement that I would like to make is that Wednesday, tomorrow (NOTE: Changed to Thursday, Dec. 17) at 11 o'clock, Roger Kelley, Assistant Secretary of Defense for Manpower, will be here to brief you on a new memorandum which I have signed, which places into effect a new equal opportunity program for the Department of Defense.

This equal opportunity program has several new aspects to it, and if you can take the time to spend 35 to 45 minutes with Roger Kelley tomorrow here in this room, he will give a detailed briefing on the new equal opportunities program which will govern the civilian and military manpower problems as far as the Department of Defense and also contract personnel problems.

Fourth, during the past year, we have been going forward on our review of the method in which to dispose of our biological weapons. As you know, one of the first requests that I made of the National Security Council and the new Administration was to review completely our biological warfare programs and our chemical warfare programs. As a Member of the Congress, I had felt for a long time that such a review was needed and necessary, and such a review had not been made at the highest levels of our Government since the late 1950s.

A new program has been established, and we have been going forward with the initiatives that are necessary to place this new program into operation. We will be announcing the plans by which the destruction of biological agents and toxin weapons which have been produced prior to the time that I became Secretary of Defense. This destruction program will go forward and has now been coordinated in the various agencies of the Government, and we will have a briefing on the destruction program within the next week. I don't intend to get into the details of the program as it has been finalized as far as the destruction of the biological

and toxin weapons, but that program will go forward and has been fully coordinated and it is ready to move now. As you know, we will only retain a minimum defensive research program in the biological area.

The fifth item, before we get into questions, that I would like to comment on is to express my gratification over the action which was taken by the House Appropriations Committee, the House Foreign Affairs Committee, the Senate Foreign Relations Committee and the Senate Appropriations Committee approving the military assistance and aid requests which were placed before this recess session of the Congress. We anticipate with the action which we hope will be taken in the Senate today that we will have had complete success on this request which the Secretary of State and I have presented to these Committees. And we are delighted at the overwhelming support which our testimony received and the enthusiastic response by the Congress; yesterday's unanimous vote of the appropriation measure was indeed a rather historic first as far as military assistance or aid programs. We do want to express our appreciation for the response which this request of the President received in the Senate and in the House of Representatives.

Gentlemen, I would be glad to answer any questions.

Question. Mr. Secretary, while you are on this trip around the world, will there be a sort of standstill on troop withdrawals pending your assessment?

Secretary LAIRD. We have gone forward with the fifth increment of the troop reduction. As I told you here in this room when the fifth increment was announced, that we would meet or beat the 344,000, we have done that. We have beaten the target as we have done on every announcement that we have made on reductions. Today we have withdrawn over 200,000 men from Vietnam and this has been because of the progress of our Vietnamization program.

The sixth increment will move forward. A planning conference will be held on the fourth of January in Hawaii and the plans for the reduction to 284,000 by May 1 will be formulated; the transportation, the support plans for that sixth increment will be finalized at the troop withdrawal conference on January 4.

We will be, of course, below the 340,000 prior to the time the planning conference takes place. Our troop ceiling today, as of December 31, is 344,000. But we will be below 340,000 at the time that that planning conference takes place. Their responsibility will be to finalize the plans to get down to the May 1 troop ceiling.

I can assure you that we will meet or beat the troop ceiling of May 1. We have never engaged in monthly figures. And I don't intend to set monthly troop ceilings, so that's the way we will leave that.

Question. Do you see anything developing militarily in Vietnam—either North Vietnam or related areas—that threatens this particular planning for the troop reductions by May 1?

Secretary LAIRD. There is nothing developing militarily that would cause us not to meet or beat the May 1 troop announcement.

Question. Mr. Secretary, could you give us an estimate of the military situation, the order of battle in South Vietnam and what the rate of infiltration have been over the last six months, currently?

Secretary LAIRD. The rates of infiltration for this year will be somewhat below the rates of infiltration for last year. The rate of infiltration in November this year was higher than the rate of infiltration for November of last year. The rate of infiltration this month is running slightly below December of a year ago. I do not get into specific figures in this area, but that is the general level as far as infiltration is concerned.

Major activities which are being carried on



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by the North Vietnamese as far as military actions are confined to a large extent to Laos and Cambodia at the present time.

Question. Could you say something about Son Tay, with regard to the CIA? Mr. Helms has said one thing; you have said another thing.

Secretary LAIRD. I don't believe that your question is based on any fact. If you will ask me a question about my association with the CIA, I would be glad to answer it. But as far as your quoting Mr. Helms, I don't believe there is any quote that could be attributed to him.

Question. Without using a quote from him, could you give us a quick look at the timetable as to when you first consulted them, what their response was at that time and then again just before the raid, was there consultation, was there approval and so on just before the raid?

Secretary LAIRD. First, in regard to the last part of your question, the responsibility for the approval and recommendations to the President of the United States is my responsibility. I made the recommendation to the President of the United States and also recommended the planning timetable as far as the Son Tay search and rescue mission is concerned. I think it should be understood that in making this recommendation, I drew upon all elements of our intelligence community and on every other asset that was available to me as Secretary of Defense.

As far as the first discussions with the Central Intelligence Agency, I believe that they run back into some time in May. As far as the continuing recognition of their capabilities, their advice, their input, it was a continuing thing that ran right through until the day that the search and rescue mission was carried out.

I well remember sitting in my office with the Director of the Central Intelligence Agency as we waited for the helicopters to take off at Son Tay; as we waited for them to cross the border; as we waited for our first reports as to whether or not POW's had been rescued at Son Tay. I can well remember listening to the clock tick as we waited for those messages.

I do not pass the responsibility for the decision in improving the planning or in recommending to the President the execution to anyone. It is my responsibility under the National Security Act of 1958 to make such recommendations to the Commander-in-Chief. I can assure you that there was continuing consultation and the assets of all agencies of our Government were drawn upon all along the way as far as the search and rescue mission is concerned at Son Tay.

Question. Mr. Secretary, Senator Griffin has proposed release of a certain number of prisoners in South Vietnam, also the wounded and injured. Is this proposal under consideration and has any decision been made or can we expect one?

Secretary LAIRD. I support the proposal of Senator Griffin. I believe that it has considerable merit. And I certainly will do what I can to encourage his proposal.

Question. Mr. Secretary, to go back to NATO a minute, you were enthusiastic about what the Allies are proposing to do. How much of the \$1.5 billion annual balance of payments loss that NATO is costing us will this make up in your estimate?

Secretary LAIRD. As far as the total cost of the United States forces and United States troops, as well as ground troops, air and naval forces, our cost will increase, not decrease, as far as NATO is concerned. This is true because of the increase in personnel costs that have come about because of pay increases and because of the increased costs as far as procurement of the supplies that are needed and necessary to maintain our forces in Europe.

This does not have the same related effect, however, on the balance of payments, but

the balance of payments problem will remain about the same. These increases will be reflected not in the balance of payments, but they will be reflected as far as our budget is concerned because of increased costs.

We will maintain, however, our military capabilities in NATO and we expect to submit that kind of a budget to the Congress this January. I think the budget submission is the first week in February.

Question. Are you convinced that Vietnamization is going to work out leaving large numbers of American troops in Vietnam indefinitely?

Secretary LAIRD. Yes, I am.

Question. To get back to Son Tay, you said you were in consultation with the CIA throughout this thing. Did at any time the CIA advise you that there was a possibility that prisoners might not be there?

Secretary LAIRD. The situation was always such that we could not judge whether prisoners were in the cells with any degree of certainty. This was a matter that was always a risk. It was a risk associated with the entire mission, but in answer to the direct question which you pose, the answer would of course be "no."

Question. We have heard a lot of talk and there has been some speculation by the columnists regarding a return to the Cold War, particularly related to Europe and to the Middle East. I would like to know if the activities of the Soviet Union in the Middle East have hardened our own attitude toward the Soviet Union? And whether the Middle East activities of the Soviet Union have caused any concern among our NATO Allies regarding Soviet intentions?

Secretary LAIRD. The answer is they have caused some concern. There have been certain actions taken by the Soviet Union, not only as far as the Middle East is concerned, but as far as Berlin, as far as the Mediterranean, as far as the Caribbean, that I do believe are somewhat related to the negotiations which are currently going on in all of these areas.

Question. The President in his last news conference issued some warnings to the North Vietnamese about what the United States would do if they attacked our troops withdrawing from Vietnam. Can you give us some idea of the military steps that are being taken to back up those words?

Secretary LAIRD. It's always been evident, I think, that the understandings as we envisioned those understandings were violated by the North Vietnamese, certain actions would be taken by us.

I would like to just repeat, and if I could read this—I have made a number of statements on this subject which I think have pointed up my hopes for successful negotiations in Paris and for adherence with the understandings that were reached when the bombing was stopped. But since you asked, let me give you this added thought. It would be my view that "If the good faith which was attached to Hanoi's effort to get substantive talks, disintegrates or disappears, and if it is ascertained that they are not proceeding in good faith in their negotiations and that efforts are being made to violate the good faith understandings with movements of one kind or another, then that decision could be made."

And that decision that could be made refers to the question being asked, could bombing be resumed to the North?

This statement was made on October 31, 1968, under a practice that was carried on here in the Department of Defense under the previous Administration, which quotes Defense Department officials. These are the same Defense Department officials that are standing right here now, except I don't go for the backgrounders. I think you understand that I have not carried on that practice.

I will hand you a copy of this statement as

you leave, so that you can see that since October 31, 1968, there has been no misunderstanding in this building and there should be no misunderstanding on the part of any reporter that listened to that background on October 31 of 1968. And I wish that you would read that statement carefully, gentlemen, in response to the question on bombing of the North.

Question. Has your office issued any kind of restrictions as to what personnel that look part in the Son Tay mission can talk to the press about the mission?

Secretary LAIRD. I think that any of you that were with me when we went to Fort Bragg had a very free afternoon in the discussion regarding the Son Tay search and rescue mission. If there was any inhibition on the part of any of the people that took part in the raid, I would like to know about it.

I do not believe that continued discussion, however—I am glad to answer your questions, but I am willing to go forward with this kind of an operation in the future, if time and circumstances and the opportunity presents itself. That's all I care to say about it. I do not believe any further discussions on how we prepare for such an operation in the future would serve a useful purpose.

Question. In discussing NATO, you've only used the military capabilities or force capabilities?

Secretary LAIRD. I have always felt that that's the important thing by which you judge a deterrent, the capabilities of the deterrent. I have in my statements to the Congress always followed that line. We are increasing our capabilities as far as NATO is concerned, from 1967 to 1968, even in 1966; we are moving the people in and out of the NATO force structure in a rather rapid fashion. As a Member of Congress, I was critical of the combat effectiveness of our forces in Europe and felt that their capabilities were not as they should be. I can report to you today that our military capabilities in Europe are improving.

Question. What I was going to ask, sir, was in connection with the latest burden-sharing arrangement, can we safely assume that by maintaining or increasing military capabilities, as you put it, this will require that the same number, substantially the same number of troops within, say two or three thousand, American troops will be kept in Europe?

Secretary LAIRD. I think it's important not to get tied to a given figure. We have a troop ceiling in Europe; the number of billets, spaces, are in the neighborhood of 315,000 to 320,000, in that general area, the military spaces as far as NATO forces.

We do not operate at the troop ceiling. Every billet or every space is not filled. From time to time, there are lower figures. The approximate figure averages out at very close to 300,000. I don't want to get into this business of actual count of spaces filled and authorized spaces, because you're always going to have a variance there. Some people that don't cover this building and aren't familiar with the difference between spaces assigned and troop ceilings and actual counts sometimes get the two confused. And I don't think we want to lead to that kind of a problem.

Question. On that point, what is the mission of the American troops in NATO? Is it to hold the line for a temporary period? Is it to win the war over there and are you irrevocably committed for several years on keeping the level around 300,000 in the face of the Mansfield proposals and others?

Secretary LAIRD. The situation is such that we are following a strategy of developing and maintaining a conventional deterrent, as far as NATO is concerned. It is important, I believe, that as we move to the direction of sufficient or parity in the tactical nuclear field and in the strategic nuclear field that

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the importance of the conventional deterrent increases. We will maintain this conventional deterrent and improve it. The only thing that could change our position is, of course, the unwillingness of our Allies to improve and maintain their forces or a movement towards an agreement on mutual and balanced force reductions.

Question. May I ask one more question about the bombing? As you know, the President said the other night that if the North Vietnamese develop a capacity and proceed to use that capacity to increase the level of fighting, then he would alter the bombing. Are they developing a capacity or have they made any attempt to use such a capacity to increase the level of fighting?

Secretary LAIRD. They have not increased the level of fighting, as far as Vietnam is concerned. There is some misunderstanding on the part of some people I know in the Congress from the questions that were asked the other day. I had a feeling that people think the war in Southeast Asia and in Vietnam has been escalated. Just the opposite is true. We've withdrawn 200,000 men from the area, American men. We have cut the number of sorties this year as compared with last year. If you take November of 1970 and compare it with November of 1969, our sortie rate is substantially reduced, very substantially reduced.

So, the level of effort and the military activity as far as Southeast Asia is concerned is at a lower level this year than it was last year. We are truly deescalating the war and disengaging as far as Americans are concerned.

Question. Regarding your appearances before the Foreign Relations Committee, you have been advised according to news reports to smile more and not to smile at all. Have you determined which is proper?

Secretary LAIRD. I saw that news report. I think that that news report referred to earlier testimony when I was testifying on the strategic weapon balance between the Soviet Union and the United States.

I will try to carry on the best I can and smile when I should and not smile when I shouldn't, but I have to make that judgment. I don't think anybody else can make it for me. (Laughter)

Question. If the Vietnamization program continues toward successful conclusion and in the absence of a political settlement in Paris, what kind of options do you see left for getting the release of the prisoners in North Vietnam?

Secretary LAIRD. This will have a very important effect upon our Vietnamization program, because we are going to maintain a United States presence until a satisfactory solution can be worked out for the prisoners of war.

I am hopeful that negotiations will be the route that we can follow and that we will be successful with negotiations because this is the way to have a complete and total withdrawal of American forces coupled with a satisfactory solution to the prisoner of war problem.

We will continue to make a maximum effort in this area. I spent this morning with Ambassador Habib before I came here to this press conference. I will be meeting with Ambassador Bruce, and Ambassador Habib and General Ewell in Paris on the fifth of January. This, I think, shows the importance that we in the Department of Defense attach to the negotiations.

Question. At the time of the bombing strikes in the North, we were told that no ordnance was used north of the 19th parallel. And as the Son Tay story developed, it turns out that this does not seem to be the case.

Secretary LAIRD. I don't know who told you that. I know that I was quoted as saying that on the diversionary flight there was no bombing mission involved. I stood here when General Manor said that the amount of

ordnance was a minimum amount of ordnance in connection with the Son Tay raid.

So that the record can be very clear in this area, the Navy diversionary flight which was not a bombing mission, the mission of the Navy diversionary flight along the coast of North Vietnam was not a bombing mission. It was not a mission in connection with the dropping of ordnance. It was assigned the sole responsibility to drop flares as a diversionary effort. These pilots have the authority of self-defense when radars lock in on these diversionary flights of Naval aircraft in connection with the Son Tay search and rescue mission; these pilots when they were locked on by ground radar and when SAM missiles were being fired and in preparation for such firings did expend three SHRIKE missiles.

This was not a bombing mission, but these pilots have in the authority which I have approved, the right of self-defense and they did fire three SHRIKE missiles after being locked on by North Vietnamese SAM radar.

Just so there can be no misunderstanding, I told the Senate Armed Services Committee in the first briefing that there were 12 to 14 SHRIKE missiles fired. I have since corrected that record and the total number of SHRIKES fired, even by the planes that were actually in the operation and not part of the diversionary, 3 plus 8, a total of 11 SHRIKE missiles.

Question. You have quoted here the October 31, 1968, background here at the Pentagon in connection with the halt in the bombing in which it was stated, if I heard you correctly, that the question of good faith at Paris was the crucial factor and that the other side did not exhibit good faith.

Secretary LAIRD. If substantive talks did not result, I will give you a copy of it, just to refresh your memory. I am sure you were here.

Question. My question really is this: By quoting that are you suggesting that this is now the policy of this Administration, that if good faith does not appear in the Paris negotiations—

Secretary LAIRD. No, my point is that calling this to your attention, and I know that most of you in this room don't need to have it called to your attention, is that there has been no basic change in policy.

Question. If you say, Mr. Secretary, that there will be a U.S. military presence in South Vietnam until there is a satisfactory resolution of the prisoner issue and that must be by negotiation, are you saying that there will be no total withdrawal of American forces except by a negotiated settlement with North Vietnam?

Secretary LAIRD. No, I am not saying that at all. I am saying that until the prisoners are released, there will be no total and complete withdrawal of American presence in Vietnam; that the way to have total and complete withdrawal of Americans in Vietnam, the fastest, most rapid way is, of course, the negotiation route. In October, the President of the United States laid this before the negotiators in Paris as one of the five basic points for peace in Southeast Asia.

Question. Then the only absolute point that must be negotiated is prisoners.

Secretary LAIRD. There can be a release, and I would hope that the North Vietnamese would release their prisoners and I can assure you that we stand ready to encourage the South Vietnamese to release all of the North Vietnamese prisoners.

This was the proposal that was placed before the Paris negotiators just last week. It did not receive a favorable response. But I can assure you that we have not stopped in this area and we will continue to push forward.

Question. Back to NATO for a second, with the reduction of general purpose forces in the United States progressing, do you think that the present level of United States

forces in Europe can be maintained beyond 1972-1973 or must there be a certain ratio between the number of divisions stationed on the United States mainland and abroad?

Secretary LAIRD. As far as stationing forces in mainland United States and pre-positioning equipment in Europe, this is not the best type of military investment, as far as the Department of Defense. As a matter of fact, it is more expensive for us to follow that procedure than the procedure that we will recommend in the 1972 budget.

Question. Mr. Secretary, do you feel that Hanoi got the better part of the bargain in the 1968 bombing halt understanding?

Secretary LAIRD. I have not gotten into a discussion of whether the decision in 1965 was the proper decision to put Americans on the ground in Vietnam. I have not looked backwards as to whether the understandings of 1968 were to the best interest of the United States or not. I do not believe it does us any good in this year, 1970, to look backwards to the decision of '68 or the decision of 1965.

I have tried to carry on the operations of this Department and have been a voice in the Administration which has tried to remove Americans from Vietnam and do what we can to live by the understanding as we understand it that was arrived at in 1968 as far as the bombing halt is concerned. We have made it evident to the other side the actions that we will take from time to time, if it is thought that those understandings have been violated.

Mr. GRAVEL. Mr. President, I would like to compliment my colleague for what he has done in this regard. I have read the proposal. I think it is a very good proposal.

I talked earlier today about the new thrust that the administration has given to the whole POW question. I think this is part of it. I do not want to denigrate it because I think it is sincere. I think it has merit. But I would like to draw a comparison. I think it is a very sobering comparison.

We can emote. We can feel sorry over our prisoners. We should feel more sorry over our maimed and our dead. And we should properly have some emotion. But I think that in wisdom we should realize that the enemy has prisoners of ours and that we have prisoners of theirs. We should realize that had a similar request been made in the Second World War, at a time when the Japanese were also brutalizing Americans, and had we requested the release of American prisoners, that request would not have been acceptable at that time. It is acceptable today because of the nature of the war we are fighting.

From the enemy's point of view, it is not acceptable at all. If one is fighting a fellow who is 10 feet tall and the fellow is beating the tar out of him, the only way he has to inflict some pain on him is to grab hold of the fellow's ankle and bite that ankle.

The fellow then says, "Please stop biting my ankle because it hurts."

The fellow whacks him across the face a couple of more times and then looks down at him and says, "Please stop biting my ankle." That is exactly what our plea to North Vietnam is.

We say, "It hurts to have our men as prisoners there. Will you please release them because it is the humane thing to do." And it is. They could then come back and say, "How humane are you when your napalm our children?" How humane

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were you at My Lai? How humane were you when you dropped bombs all over our country?"

We beat him in the face and head and pulverize his head. He then bites our ankle. We say, "Please don't do that. It hurts."

We take the focus of this Nation, and focus attention on the ankle and not on the fact that we are pulverizing their total subsistence as human beings.

I cry out and emote. This is very fine. We say that we will release 10,000 of the prisoners we hold if we get back our prisoners.

I support the Senator on the proposal. Maybe it will be of assistance. However, I do not think that it will be.

I think that North Vietnam is at war with us. They recognize that we may choose to have a gentleman's war and say, "At 5 o'clock of each day, we will exchange our prisoners for your prisoners."

We should remember that they have had in excess of 700,000 deaths; 700,000 Vietnamese have been killed. We have had 40,000 Americans killed. We want to swap man for man. God, we could swap 10 to 1 and we will still be ahead on that deal.

Again we come back to the proposition that they are biting our ankles. We say, "Look at our ankle. You are biting it. It hurts."

Mr. KENNEDY. Mr. President, will the Senator yield for a privileged matter?

Mr. GRAVEL. Mr. President, I yield briefly to the Senator from Massachusetts without losing my right to the floor.

#### DESIGNATION OF "NATIONAL EMPLOY THE OLDER WORKER WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 74.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 74) to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week" which were, on page 2, line 5, strike out "each year" and insert "1971".

Strike out the preamble.

And amend the title so as to read: "Joint resolution to provide for the designation of the first full calendar week in May 1971, as 'National Employ the Older Worker Week'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### AUTHORIZATION FOR PRESIDENT TO PROCLAIM A "CLEAN WATERS FOR AMERICA WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 172.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amend-

ments of the House of Representatives to the joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" which were, on page 1, line 7, strike out "annually".

On page 1, line 8, strike out "each year," and insert "1971".

And amend the title so as to read: "Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May of 1971 as 'Clean Waters for America Week'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### DESIGNATION OF THIRD SUNDAY IN JUNE OF EACH YEAR AS "FATHER'S DAY"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 187.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 187) to authorize the President to designate the third Sunday in June of each year as Father's Day, which were, on page 1, line 3, strike out "each year" and insert "1971".

And amend the title so as to read: "Joint resolution to authorize the President to designate the third Sunday in June, 1971, as 'Father's Day'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### DESIGNATION OF "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 226.

The PRESIDING OFFICER (Mr. MONTANA) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks", which was to strike out the preamble.

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendment to the preamble.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

#### ESTABLISHMENT OF A JOINT COMMITTEE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a

message from the House of Representatives on House Joint Resolution 1117.

The PRESIDING OFFICER. I laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. MUSKIE, Mr. RANDOLPH, Mr. HART, Mr. JACKSON, Mr. BIBLE, Mr. BOGGS, and Mr. ALLOTT conferees on the part of the Senate.

#### ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

#### THE OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

Mr. JAVITS. Mr. President, last night the conference committee on the Occupational Health and Safety Act of 1970 completed its work at a very late hour. It was a very difficult conference. This bill represents one of the most significant pieces of labor legislation to be considered by Congress in many years.

The result of the conference committee's diligent work—and I am the ranking member of that committee and the subcommittee in handling the matter—during the past week is a most equitable bill, designed to assure as far as possible health and safety in the workplace, yet at the same time to guarantee fair treatment for both the employees and the employers of this country.

I am pleased to announce that I have received a letter from Secretary of Labor Hodgson expressing the administration's full agreement with the conference report, and I am hopeful that this expression of support will do much to insure enactment of the bill into law this year. I ask unanimous consent that Secretary Hodgson's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,  
Washington, December 15, 1970.

HON. JACOB K. JAVITS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR JAVITS: I wish to convey to you and the members of Congress the Administration's support for the Occupational Health and Safety legislation reported by the Conference Committee last evening.

In my judgment this bill reflects the major positions taken by this Administration during the entire legislative process and represents a significant achievement in the



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field of health and safety for America's working men and women.

Specifically I am enthusiastic about the significant steps taken by the Congress to provide for fair procedures by means of the establishment of the Occupational Safety and Health Review Commission as an independent adjudicatory body and by the bill's exclusive court procedure for the restraining of conditions constituting an imminent danger to health and safety. In addition, I intend to utilize the expertise made available under the legislation through the use of advisory boards in the establishment of health and safety standards. The important addition of a new Assistant Secretary for Health and Safety in this Department is a contribution which this Administration intends to exploit to its fullest by the appointment of an outstanding executive to fill that post.

The efforts of both Houses of Congress and the constructive compromise struck by their conferees have resulted in meaningful legislation which I am proud to support.

Sincerely,

J. D. HODGSON,  
Secretary of Labor.

Mr. JAVITS. Mr. President, this is a matter of considerable importance to both bodies which will be considering the conference report.

#### SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL. Mr. President, I readress myself to one fundamental point and that is the argument that the reason we have to get involved in Cambodia is so that we can protect the Vietnamization policy; and we are led to believe the Vietnamization policy is a policy to totally extricate ourselves from South Vietnam.

I maintain that is not what the Vietnamization policy is. I maintain that the Vietnamization policy is a policy to develop a mix, a level of American troops in Vietnam with a sufficient strength to act in concert with the Government of South Vietnam, and that that concerted effort will be sufficient to thwart any advancement of communism into South Vietnam from North Vietnam. That is the Vietnamization policy as I define it and as it accurately is, because on numerous occasions when I pose the question to colleagues on the opposite side of the question as to the possibility of what will happen when the Lon Nol government falls, they do not address themselves to that question. But it is a possibility. When they are asked what would happen in another Tet offensive that would disrupt our troops, similarly the opposition will not think of that eventuality, and yet it is a real and imminent eventuality and it is something that our policymakers should be thinking about.

So no one, other than by circuitous rhetoric, has disputed my definition of Vietnamization that has been undertaken by this administration. That is a fundamental question because if the people of this country realize that Vietnamization is not the extrication of American troops, but merely repositioning of troops at a different level, their views would be different and more vola-

tile than they have been in the last few months in respect of Vietnam.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. Does the Senator from Alaska yield or does he yield the floor?

Mr. GRAVEL. I yield the floor.

Mr. FULBRIGHT. Mr. President, I have just been handed the minority views of the House Committee on Foreign Affairs. I had not seen them before. They are extremely interesting. Some of them are so similar to views that I and other Members have expressed today that I am gratified and surprised at how similar they are. Mr. President, this is so important I think before I read these views we should have a quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the minority views contained in the report of H.R. 19911, dated December 7, 1970, beginning at page 17, be printed as part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF HON. DONALD M. FRASER,  
HON. JONATHAN B. BINGHAM, HON. BENJAMIN S. ROSENTHAL, HON. JOHN C. CULVER, AND HON. EDWARD R. ROYBAL

#### INADEQUATE CONSIDERATION

Because of its important, long-range significance and implications, H.R. 19911 is a major bill. The timing and handling of this legislation, however, has made a proper examination of this authorization of funds impossible. In addition, the facts which have been advanced are inadequate to support the executive branch request at this time. Until mid-October the executive branch did not know—as we did not—that there definitely would be a postelection session. Yet, by mid-November it was arguing the absolute necessity of congressional approval in the waning days of 1970 for a supplemental foreign aid authorization amounting to more than one-half of a billion dollars.

As a result of pressures for speed, the House Foreign Affairs Committee was limited to five hearing sessions, four of them with executive witnesses from the Departments of State and Defense. Just one session was set aside for private witnesses and only three of them had the opportunity to testify. A request by some members of the committee to invite other outside expert witnesses to testify on the bill was turned down, even though additional testimony might have taken only a day or two longer.

Why this sudden urgency? Although the question was asked many times of administration witnesses, it was never answered satisfactorily. As the chairman of the committee himself remarked during the hearings—a good case was not made for the emergency nature of this legislative package.

Much of the discussion about the need for haste centered around the executive branch contention that unless congressional action is taken now money for ammunition

to be used by Cambodian troops will run out in mid-January. Yet a Presidential determination of October 23, 1970, made available \$40 million to insure adequate weapons and ammunition stocks during the dry season in Cambodia. Since the dry season there extends from about December to next May, it is difficult to accept the proposition that the Cambodians will be running short of bullets early next year.

Moreover, Secretary of Defense Laird admitted to the committee that even if the Congress fails to act during the postelection session, or even for some months in the new Congress, supplies to Cambodia will continue to flow. Authority for continued shipments could come through Presidential determinations provided under sections 610 and 614 of the Foreign Assistance Act, as has been done in the past; or under section 506 of that same legislation. Section 506—which thus far has not been invoked for Cambodia—provides that, following a Presidential determination, defense articles for foreign military aid may be ordered from existing Department of Defense stocks, up to a ceiling of \$300 million, subject to subsequent reimbursement. It is clear, therefore, that U.S. supported combat efforts in Cambodia and Vietnam would not be harmed by a failure to act on this bill.

The fundamental question is how long is the Congress going to be asked to give approval to executive actions which commit U.S. forces and resources, particularly in Southeast Asia, on an *ex post facto* and urgent basis with little or no time to analyze the political and military implications which might follow from that action.

We believe this bill contains the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Those Vietnam commitments have been redeemed, and are continuing to be redeemed, at a terrible cost of American lives and resources. With the lessons of recent history written so clearly, no conscientious representative of the American people can approve a similar new involvement without full and careful consideration, in the light of the Nation's real interests.

#### WATERSHED LEGISLATION ON CAMBODIAN INVOLVEMENT

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an executive action; approval of Congress was not sought nor were members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling \$98.9 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

Many legitimate questions may be asked about the Cambodian involvement. For the most part, the testimony of the Secretaries of State and Defense and their subordinates failed to answer those questions, or to address themselves to the basic issues involved. Some vital questions are:

(1) What is the nature of the U.S. commitment to Cambodia?

## FULBRIGHT VOICES DOUBT ON SONTAY

Suggests Pentagon Knew No  
P.O.W.'s Were in Camp

By JOHN W. FINNEY  
Special to The New York Times

WASHINGTON, Dec. 12 — Senator J. W. Fulbright has been raising objections in the Senate and the Foreign Relations Committee to a seemingly noncontroversial resolution praising the men who raided the Sontay prison camp in North Vietnam last month.

In an attempt to bolster his objections, Senator Fulbright has questioned whether Defense Department officials knew there were no American prisoners when they ordered the mission. He has made it clear that his questions are not based on independent information, but only on newspaper articles published after the unsuccessful mission.

In what developed into a heated exchange, Senator Fulbright posed the questions yesterday to Melvin R. Laird when the Secretary of Defense appeared before the Foreign Relations Committee, which Senator Fulbright heads.

### Suggests Other Motives

The Senator suggested that Defense officials knew there were no prisoners in the camp and ordered the rescue mission for other purposes, such as demonstrating concern for the American prisoners and underscoring the "impotence" of North Vietnam.

Mr. Laird protested that the Senator was spreading "innuendoes" reflecting on his honesty, and declared that charges the Pentagon knew there were no prisoners in the camp were "completely without foundation."

Mr. Laird said the department had not known "with precise information" whether there were prisoners in the camp but was "convinced" the mission had a "50-50 chance of returning prisoners of war."

In questioning the accuracy of the intelligence information, Senator Fulbright said he had personally asked Director of Central Intelligence, Richard C. Helms, if his agency had been consulted and that Mr. Helms had said no.

### \*All Consulted, Laird Says

Mr. Laird said that "all intelligence agencies" had been consulted before the decision and that at his invitation Mr. Helms had been "fully briefed and advised" before the raid. When pressed by Senator Fulbright, Mr. Laird said Mr. Helms had been briefed "four or five weeks" before the raid.

Preparations for the mission were begun in mid-August, but Mr. Laird said the order to proceed with it was not given until Nov. 21—the day of the raid.

The Sontay resolution was introduced on Nov. 225, four days after the unsuccessful rescue mission, by Senator Robert Dole, Republican of Kansas. It has since been co-sponsored by 39 other Senators, including the majority leader, Mike Mansfield, and the minority leader, Hugh Scott.

On Dec. 8, Senator Dole moved that the Senate consider the resolution, but was blocked by Senator Fulbright, who successfully moved that the resolution be referred to the Senate Foreign Relations Committee with the understanding that the committee would report back within 10 days.

### Objection to Procedures

In part, Senator Fulbright's objections are to the procedures followed by Mr. Dole, a freshmen Senator, in pressing for Senate action on the resolution without any consideration of it first by a Senate committee.

When Senator Dole called up his resolution, Senator Mansfield was reported to have urged Senator Fulbright to let it quietly be passed by the Senate. But Senator Fulbright refused, reportedly pointing out to the majority leader that he had been "burned once" in rushing through the 1964 Tonkin Gulf resolution on the basis of what he later concluded was erroneous information from the administrative branch and he did not want to repeat such an experience.

Senator Fulbright made clear that he had no objection to a resolution commending the courage of the men. But he objected to any suggestion in the resolution that would place the Senate on record as affirming that the purpose was to rescue prisoners.

The Senate Foreign Relations Committee, at an executive meeting Monday, is expected to approve the resolution that in its "resolved" clauses commends the men for their "extraordinary courage."

But if Senator Fulbright has his way, the committee will eliminate sections in the "whereas" clauses now stating that the purpose of the raid was "the liberation of a substantial number of prisoners of war."

Son Tay

13 DEC 1970

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12 DEC 1970

# POW Raid 'Charge' Denied

By George C. Wilson

Washington Post Staff Writer

The "charge" that the Nixon administration knew there were no American prisoners at Sontay before it launched the rescue raid "is without any foundation," Secretary of Defense Melvin R. Laird said yesterday.

The statement came during a sharp exchange with Chairman J.W. Fulbright (D-Ark.) of the Senate Foreign Relations Committee.

Fulbright said he made no such charge but was instead raising the question "as to what was the real purpose of the raid" against Sontay on Nov. 21. "It is the function of this committee" to raise questions, Fulbright said, "not to serve as a rubber stamp."

A resolution commending the Sontay raiders for their bravery is before Fulbright's committee. He said the resolution would go to the Senate floor without any endorsement of the wisdom of the raid, as distinguished from praise for the men involved.

The 101 men who participated in the rescue attempt at Sontay, a prison compound 23 miles west of Hanoi, have been decorated.

"If there was no failure of intelligence," Fulbright said in a challenge to Laird, "then you knew there were no prisoners. You can't have it both ways."

"We were convinced we had a 50-50 chance of returning some prisoners-of-war," Laird responded.

"I personally asked the director of the Intelligence Board if he was consulted and he said no," Fulbright said. Richard Helms, director of the Central Intelligence Agency, heads that board.

"I don't think that can be quite the case," Laird said.

"He was consulted and advised."

A CIA spokesman declined to comment.

Laird said Helms was consulted "four or five weeks earlier" at the Pentagon. But the Defense Secretary did not detail what was discussed at the meeting before the Sontay raid.

"It's perfectly understandable that the President might want to make a gesture that the POWs won't be forgotten," Fulbright said in theorizing on reasons for the raid other than bringing back American prisoners.

"And demonstrate" to the North Vietnamese "just how helpless they are; to show we have the capability almost at will to invade their country."

"If you think I've told you anything that doesn't have an absolute basis in truth," said Laird, "I challenge you to produce it."

by Laird

12 DEC 1970

# Raid Had Only 50-50 Chance, Laird Tells Fulbright Panel

By ORR KELLY

Star Staff Writer

Defense Secretary Melvin R. Laird says he thought there was only a 50-50 chance of finding and rescuing any American prisoners of war when he gave the go-ahead for the Son Tay rescue attempt.

Laird revealed his estimate of the chances yesterday during a heated exchange with Sen. William Fulbright, D-Ark., of the Senate Foreign Relations Committee.

Aides said later that Laird had never come so close to losing his temper in public as he did when Fulbright told him that his contention that all intelligence agencies were consulted before the raid was "not very accurate."

"I personally asked (Richard) Helms the (director of the Central Intelligence Agency) whether he had been consulted and he said, 'No,'" Fulbright said.

"The director came to the Pentagon and was briefed by me ... three or four weeks before the rescue mission," Laird said.

A spokesman for the CIA said Helms would have no comment on the exchange.

The Pentagon later declined to specify the date Helms visited Laird but it was believed to have been somewhat longer before the unsuccessful Nov. 21 mission to rescue U.S. POWs near Hanoi than Laird indicated.

Pentagon sources said Laird's

use of "50-50" in assessing the chances of finding and bringing out some prisoners was not just a figure of speech.

Of those directly involved, he said, he was the least optimistic that the prisoners still were at Son Tay.

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, was said to have been somewhat more optimistic.

Those directly involved in the planning apparently were much more confident they would find prisoners in the camp.

All of those involved, however, reportedly were 90 to 95 percent sure the rescue team could get in and get out safely—whether or not the POWs were still there.

The most concerned about pos-

sible repercussions if the rescuers had gotten into trouble were said to have been only State Department officials informed beforehand of the plans for the raid.

Before the raid, all top-ranking officials consulted gave their approval, although some did so with certain reservations, according to informed sources.

The greatest concern reportedly was that one or more of the helicopters carrying the rescue team would be shot down.

An attempt to rescue the rescuers, especially from the area near Hanoi, would have turned the mission into a major military operation involving extensive bombing and strafing of ground targets, sources said.

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# Laird, Fulbright Clash: Did CIA Know of Raid?

By ORR KELLY

Star Staff Writer

Sen. J. William Fulbright, D-Ark., said today that Richard Helms, director of the Central Intelligence Agency, told him he had not been consulted before the attempted rescue of American prisoners at Son Tay in North Vietnam.

Defense Secretary Melvin R. Laird, who was testifying before the Senate Foreign Relations Committee, replied that he had personally briefed Helms in his office at the Pentagon three or four weeks before the mission. The CIA had no immediate comment on the conflict in the

accounts given by Fulbright and Laird.

The exchange came as Fulbright was pressing Laird to make available the two leaders of the rescue mission for questioning by the committee, which Fulbright heads.

Fulbright said he wanted to find out whether American officials knew the prison camp was empty before the raid. The raiding party came away empty-handed.

"We were convinced we had a fifty-fifty chance of returning with prisoners of war," Laird declared.

Fulbright then said he understood the CIA was not involved and that the planners of the raid had relied solely on Defense Department intelligence.

"All agencies were consulted," Laird declared. "Information from all agencies was taken. . . ."

"That is not very accurate. . . ." Fulbright broke in. "I personally asked the director (of Central Intelligence) whether he had been consulted and he said, 'no.'"

"The director came to the Pentagon and was briefed by me . . . three or four weeks before the rescue mission," Laird declared.

Fulbright broke in to ask whether the briefing could not have been as much as three months before, but Laird ignored the comment and continued:

"There was no effort made by the Defense Department not to consult or to keep the director or the Central Intelligence board away from this information. We

drew on the entire intelligence community."

Earlier, in his attempt to learn whether prisoners were known to be there or whether the raid had been conducted for some other purpose, Fulbright got Laird to agree to supply the committee with intelligence photographs Laird had studied before giving the go ahead for the raid on Nov. 20.

Laird insisted that the purpose of the raid was to rescue American prisoners, but he also said it had the additional purpose of "letting the world know we cared."

Fulbright said he could think of several good reasons for the raid, including the desire to demonstrate concern for the prisoners.

"I am very disappointed you have doubts about this. . . ." Laird responded.

Laird and Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, insisted they did not know before the raid that there were no prisoners in the camp and, in fact, thought there was a good chance of a successful rescue.

Fulbright, however, said it seemed to him there was a better chance for the raiding team to "get in and get out," as Moorer had put it, if there were no prisoners than if there had been prisoners present.

## Exchange of Remarks

Laird, who has been angry at Fulbright since the senator questioned Laird's veracity in a television interview on Nov. 29, challenged the senator to point out any statement where "you think I've told you anything that didn't have a basis and absolute truth. . . ."

"I made the decision and I've answered your questions and I think they should be accepted as true," Laird declared.

"I never suggested you have bad motives," Fulbright declared. "I think you are as good an American as anybody can be."

If he had had to make the decision whether or not the raid should be carried out, Fulbright said, "I might have made the same decision under the same circumstances."

"But if the prisoners were there it could have been extremely hazardous and I would have hesitated."

## Doubts Need for Call

Laird broke off the exchange by saying he did not see why any of those who took part in the raid or their leaders should be called before Congress to defend their bravery.

The Fulbright committee has before it a bill to commend the heroism of those involved in the rescue attempt. Fulbright's attempt to turn consideration of that bill into an investigation of the raid itself drew a sharp rejoinder from Sen. John Sherman Cooper, R-Ky., who is one of the sponsors of the resolution.

"This simply goes to the bravery of the men," Cooper told Fulbright. "If we are going to investigate the raid I think we can separate these things. I don't see why we don't pass it (the resolution)."